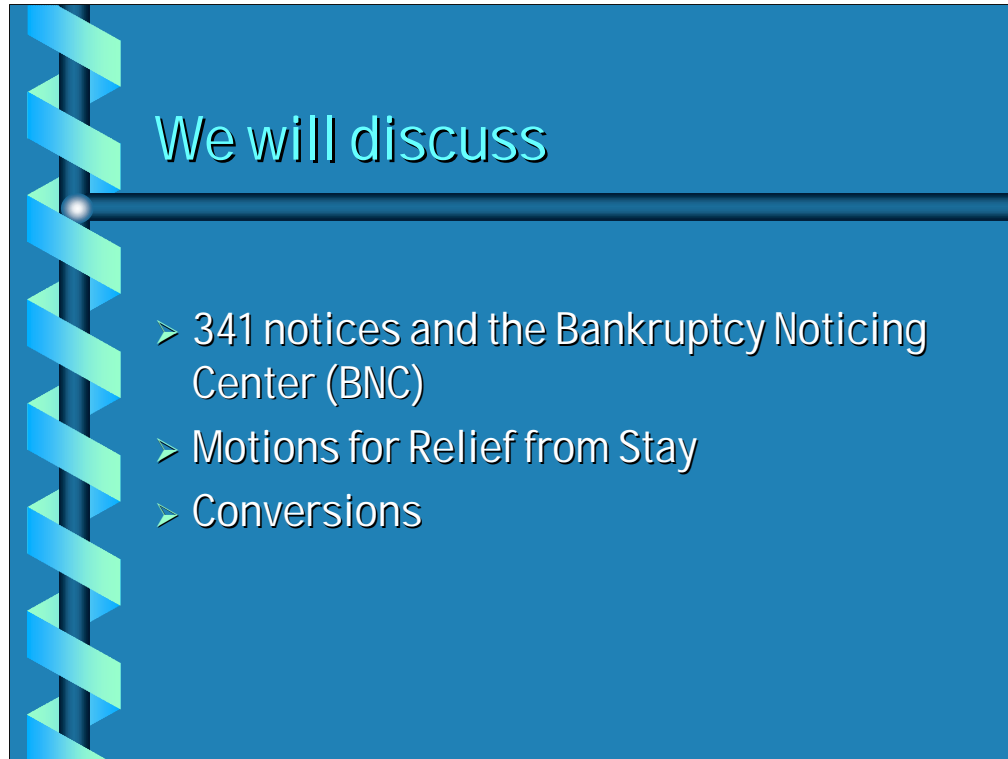
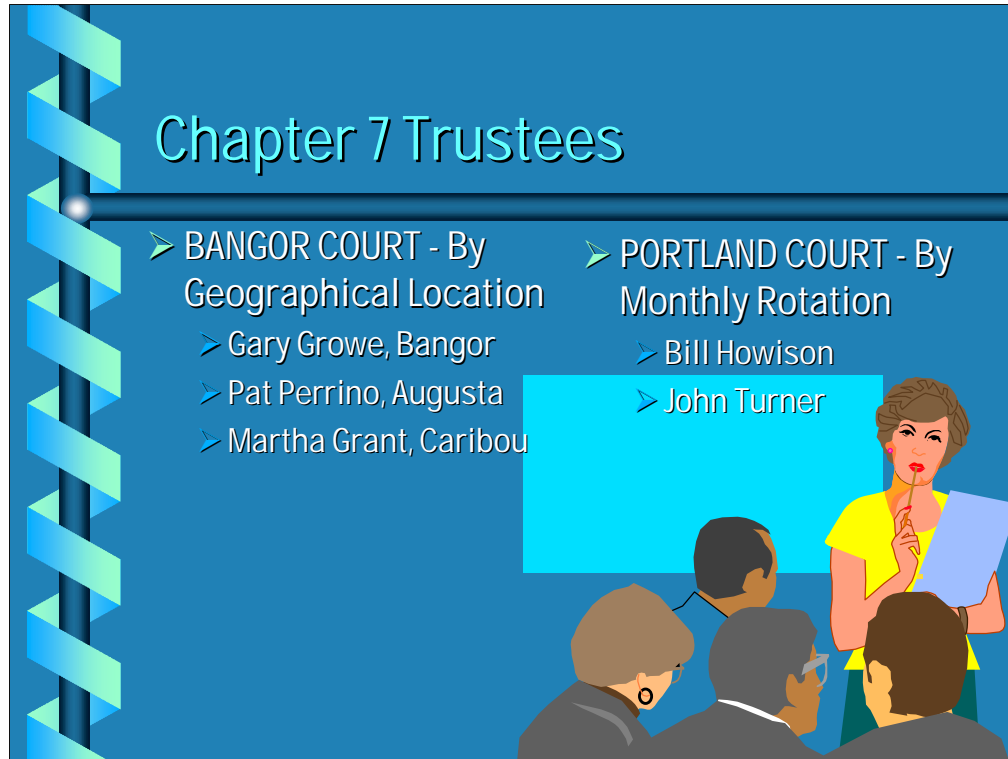


Good morning. My name is Sandy Rice and I am a case administrator in the Bangor office.

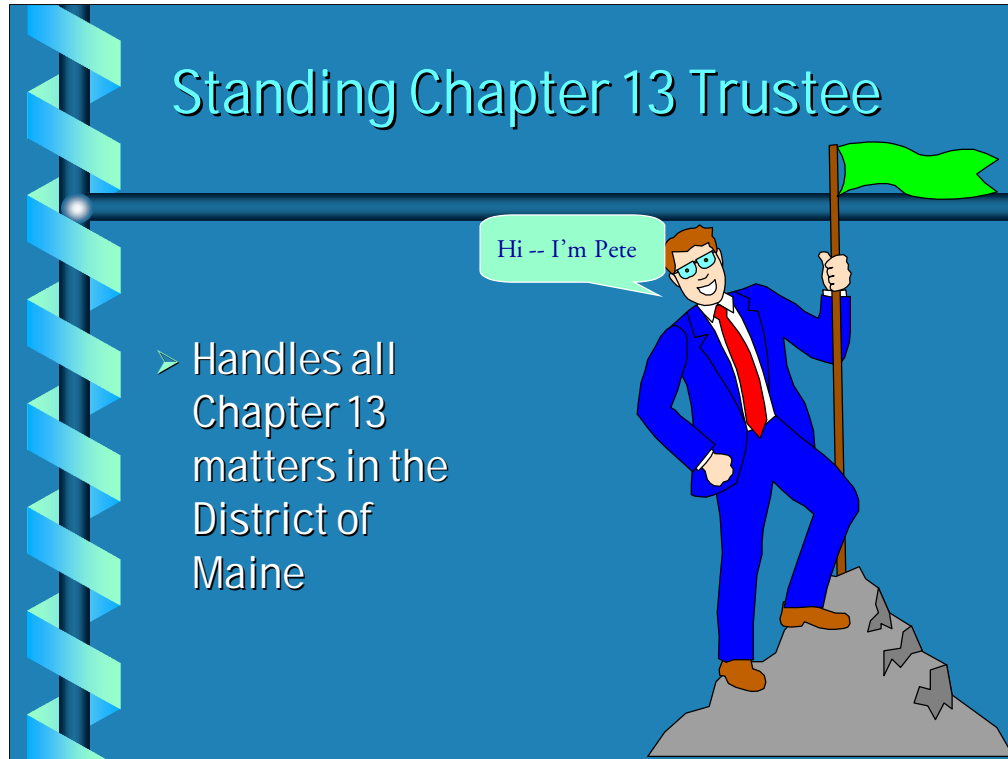
I would like to continue where Theresa left off and go over some more procedural information and requirements of the clerk's office.



The topics I will cover are: 341 notices and the BNC, Motions for Relief from Stay and Conversions. Please feel free to jot down any questions you may have and someone from the clerk's office will collect them for answering at the end of the workshop.



At the time a new Chapter 7 petition is filed, the intake clerk will assign to the case what we refer to as an interim trustee or panel trustee. The panel trustees working with the Bangor Court are assigned according to the debtors' geographic location. In the Portland Court, trustees are assigned by monthly rotation.



- Handles all Chapter 13 matters in the District of Maine

In the case of a new Chapter 13 petition, Peter Fessenden is the Standing Chapter 13 trustee and, therefore, handles all the Chapter 13 matters filed in the District of Maine. Several of our trustees will be speaking with you shortly regarding important trustee issues.

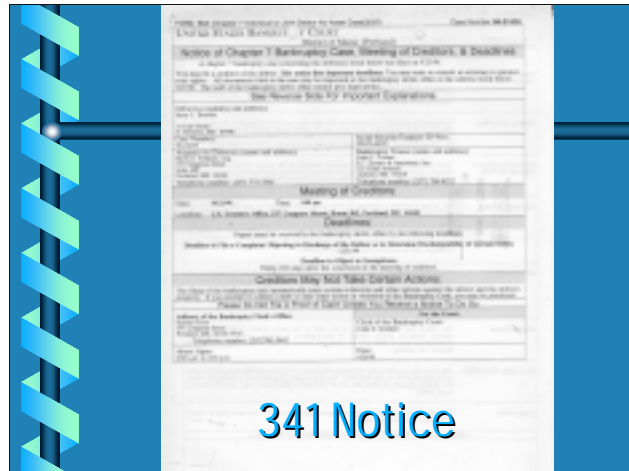
Creditor (341) meetings

- Required under §341 of the Bankruptcy Code
- First Meeting is the Only Meeting
- Trustees convene
- Court may NOT participate
- 25-40 days from filing



After the trustee is assigned, the court schedules the “First Meeting of Creditors” - more commonly called the “341 Meeting”. We refer to this as the 341 meeting because it is a requirement under Section 341 of the Bankruptcy Code. In practically all of the cases we see here in Maine, the First Meeting is the **ONLY** meeting of creditors. The 341 meeting is **ALWAYS** convened and presided over by the trustee’s office with the location of the 341 meeting being determined by the county in which the debtor resides. The Court is specifically prohibited from attending or participating in creditors’ meetings.

You may have wondered how the court schedules the 341 meeting. The 341 meeting is generally scheduled between 25-40 days **AFTER** the filing of the petition. The dates and times of these meetings are determined in advance by the U.S. Trustee’s office and the court schedules between 10 and 20 cases to be heard every hour, depending on the preference of the trustee.

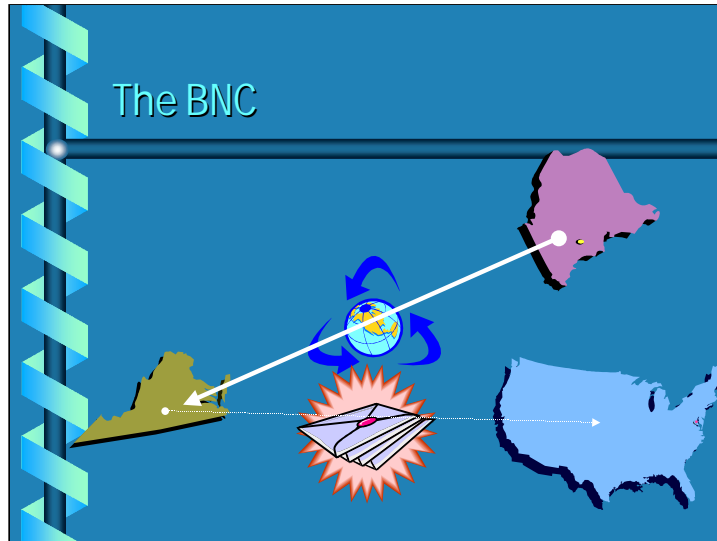


These 341 meeting dates and times are then entered into the court's computer system and the Notice of Commencement of Case (which you see now on the screen) is generated. Then, if the creditor matrix has been filed in its proper form along with the petition, the matrix is electronically scanned into the database and commencement notice is sent to all parties. Some of you may refer to this commencement notice as the 341 notice or notice to creditors.

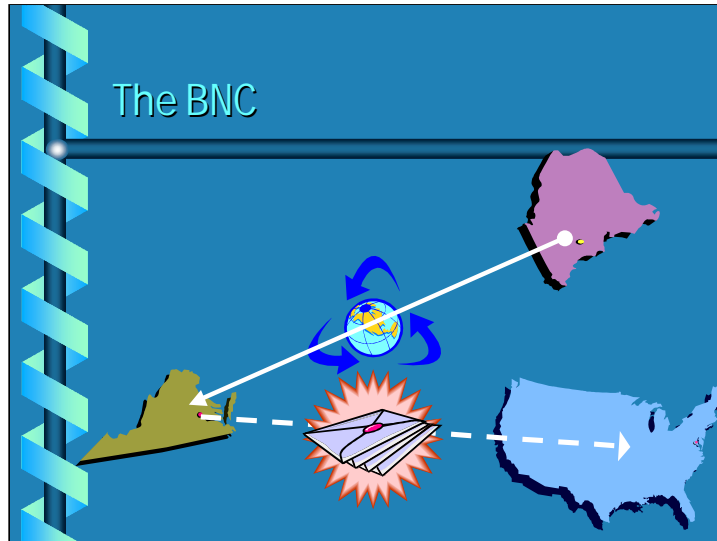


The scheduling by the court of the 341 meetings is very important to your office in representing debtors because it affects the date the debtors will receive their discharge. The deadline for objections to discharge is directly linked with the date of the first meeting of creditors. If there are no objections to discharge within sixty calendar days of the date of the first meeting of creditors, the debtors are entitled to receive their discharge.

One last important note on 341 meeting scheduling. If for some reason the first meeting has to be rescheduled, this rescheduling would NOT affect the debtor's discharge date. The debtors would STILL be eligible for their discharge 60 days from the ORIGINALLY scheduled 341 meeting date, although the debtor cannot be discharged until after the 341 meeting has been held. You should call the Trustee's office if you need to reschedule a 341 meeting. Please do NOT call the Court.



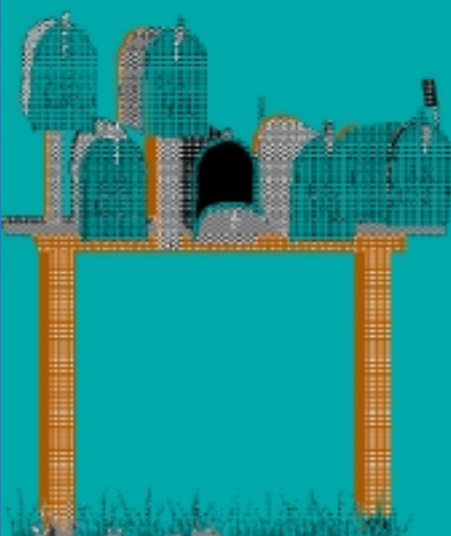
- Now I'd like to share a little information with you about the Bankruptcy Noticing Center. This court is currently using the Bankruptcy Noticing Center (or the BNC) located in Reston, Virginia, to mail out our 341 notices. What this means is that the court sends an electronic message to the BNC and they, in turn, mail out the notices.



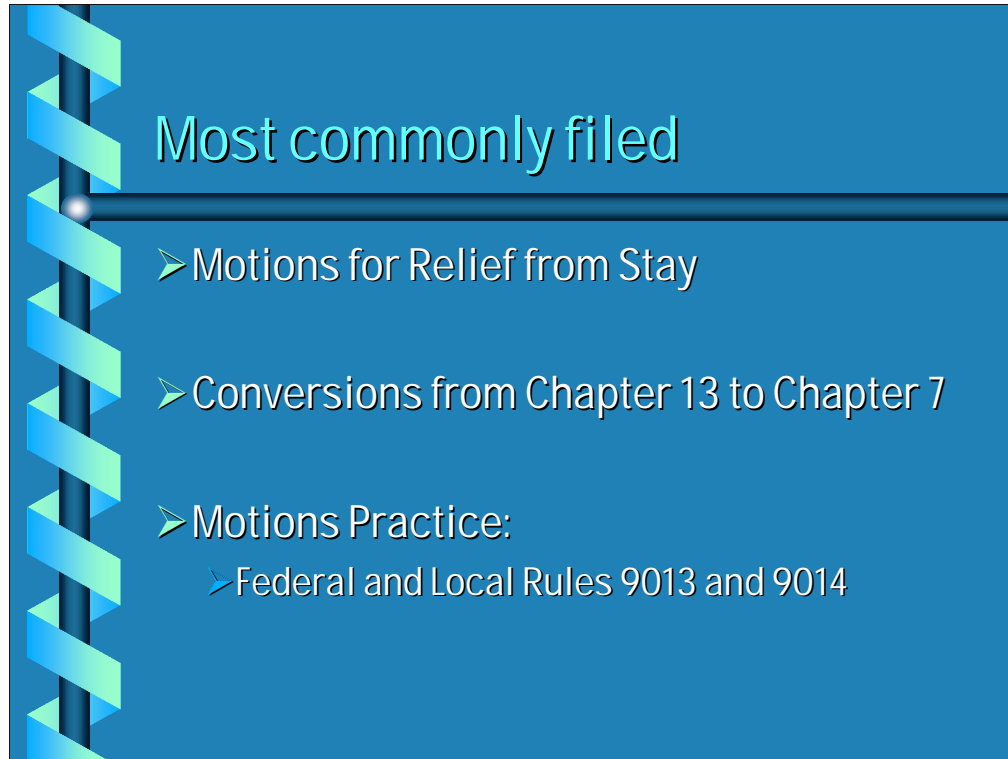
- Most of the notices, orders and other high-volume mailings that are required to be sent by the Court to all creditors are sent through the BNC. You may have received mail that has been returned to your office from the noticing center because an incorrect or undeliverable address was listed. This is because the bankruptcy court electronically instructs the BNC to list the debtor's attorney on the return address portion of the envelopes, if they are represented by counsel. If the debtors are pro se, the notices will be returned to the Court. So you can see why it is important for you to obtain as much accurate creditor information from your clients as possible.

Address Changes

- If mail is returned because of an incorrect creditor address
- Please notify the clerk's office in writing.
- This is also true for changes of address for the debtors
- Make sure to include the case number!!



If you do receive returned mail that has been sent out from the noticing center, you should attempt to obtain an accurate mailing address for that creditor from the debtors and notify the court in writing of the new address. This is also true for changes of address for the debtors. If the debtor's address changes, you should notify the court in writing, so that we can make the correction in our database. Please be sure to include the case number when sending address changes to the court.

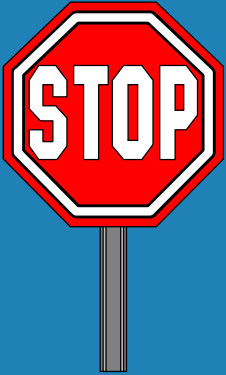


I will now change gears a little bit for my portion of the program by addressing the most frequently asked questions we receive concerning a few of the documents commonly filed with the Court: motions for relief from stay and conversions.

We will not be addressing any other pleadings simply because there are so many different types of motions filed with the bankruptcy court. For these, I will again refer you to the local rules which are available on the table at the back of the room, as well as on our web page. Please pay special attention to the rules that govern motions practice: 9013 and 9014, both in the Federal and the Local rules.

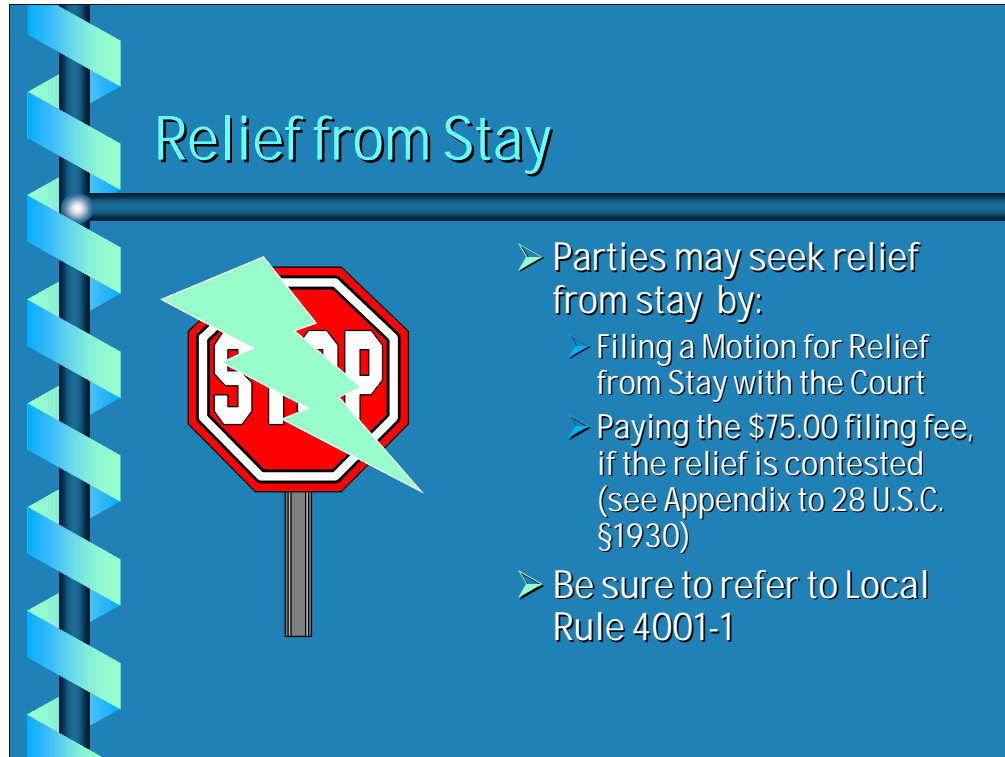
Before I tell you about the RELIEF from stay, let me just give a brief explanation of the stay itself.

The automatic stay provision



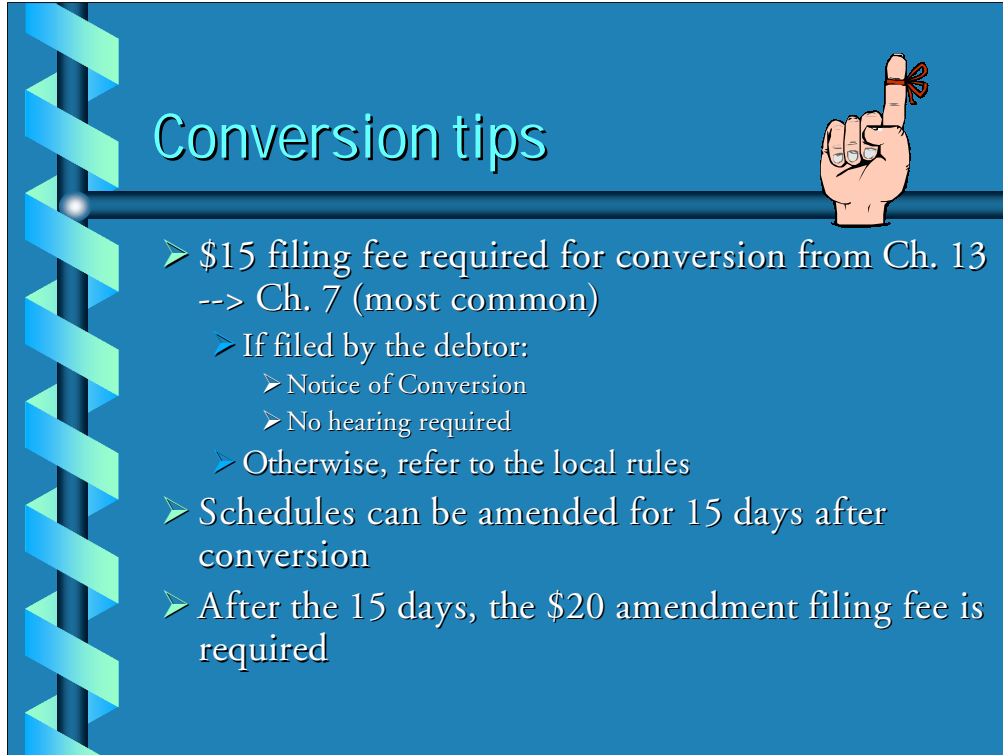
- "Stay" in effect as of the date and time of filing petition
- Parties may NOT:
 - commence judicial or other legal action
 - enforce certain judgments
 - attempt to collect debts

As soon as new petition is filed, the “automatic stay” provision goes into effect. This generally means that creditors may not, among other things, commence any legal action against the debtor, enforce judgments or make any attempt to collect debts or gain possession of the debtor’s property. You should refer to Section 362 of the Bankruptcy Code for more specific information about the automatic stay provision.



Sometimes, a creditor in a bankruptcy case may wish to petition the court for relief from the automatic stay provision. To accomplish this, a motion must be filed with the court, along with the filing fee of \$75.00. This fee only applies to contested matters - in other words, if the parties are in agreement that the relief should be granted, the motion and the signed consents should still be filed with the court, but no fee would be necessary. The appendix to 28 USC §1930 outlines bankruptcy court fees in more detail.

Also, Local Rule 4001-1 contains more specific information about filing a motion for relief from stay, which is one of the most common bankruptcy pleadings. Please be sure to refer to the rules before filing any motion.



Conversion tips

- \$15 filing fee required for conversion from Ch. 13 --> Ch. 7 (most common)
 - If filed by the debtor:
 - Notice of Conversion
 - No hearing required
 - Otherwise, refer to the local rules
- Schedules can be amended for 15 days after conversion
- After the 15 days, the \$20 amendment filing fee is required

The last topic I will cover is conversions. The most common conversion between Chapters in the District of Maine is a conversion from a case filed under Chapter 13 of the Bankruptcy Code to a Chapter 7 case. If a case is converted from Chapter 13 to Chapter 7, a \$15.00 conversion fee is required by the Court. Please refer to the yellow filing fee schedule in your handout for fees that apply to conversions affecting other chapters of the Bankruptcy Code.

When the debtors want to convert their case from Chapter 13 to Chapter 7, they must file a Notice of Conversion and the filing fee. No hearing is required. However, if anyone other than the Debtor files a Motion to Convert (such as the trustee or a creditor), this motion **WOULD** require a hearing and for this you should refer to the local rules.

Please remember that, after a case has converted, the debtors have 15 days in which to amend their schedules without having to pay a filing fee. In other words, If a schedule amendment is filed **DURING** this 15 day period, the court will not charge a



I hope these tips on 341 meetings and the BNC, Motions for Relief from Stay and Conversions have been helpful to you.

Now Mary-Ellen Scott will address court calendaring issues for you.